

ZONING BOARD OF APPEALS

NOVEMBER 18, 2013 MEETING MINUTES

PRESENT: Chairperson Ron Nolland, Connie Fisher, Michelle LaBounty, Maurica Gilbert, Kathy Latinville (Alt), Karl Weiss, (Alt.)

ABSENT: Scott DeMane

ALSO PRESENT: Joseph McMahon, Building Inspector

Appeal #1987	Keith Bruno
Appeal #1988	Dave Schopfer
Appeal #1989	Dave Schopfer
	Paul Richards, Meadowbrook Administrator
	Marcia Wolkowicz, 12 Jerry Drive
Appeal #1986	Phil Titherington
Appeal #1991	Karl Weiss
Appeal #1990	Kathryn Besaw
	Dan Dessureault
Appeal #1992	Joan Janson

Mr. Nolland called the meeting to order at 7:03 PM. The agenda has 7 items and the order they will be heard will be changed.

He advised this is a 5 person board, which consists of 5 regular members and 2 alternate members. For each application, 3 positive votes are needed to carry any motion. Some members may have conflicts with a certain appeal. Six (6) members were present tonight.

Appeal #1987 62 Brinkerhoff LLC will be heard first. Appeals #1988 and 1989 – Schopfer Architects LLP will be heard 2nd & 3rd. Karl Weiss will not be voting these appeals.

The fourth appeal being heard will be Appeal #1991 – Tom Brown, which Mr. Weiss cannot vote on. The fifth appeal to be heard will be Appeal #1986 – Titherington Design & Manufacturing. The sixth appeal to be heard will be Appeal #1990 Kathryn Besaw and the last appeal to be heard will be Appeal #1992 - Joan Janson.

If for some reason an applicant wants to postpone their appeal because they are concerned about something, please discuss this with the chairman.

The below items were on tonight's agenda.

APPEAL	APPLICANT	REQUEST
1986	TITHERINGTON DESIGN AND MANUFACTURING INC. 102 SHARRON AVENUE	SPECIAL USE PERMIT TO OPERATE LIGHT MANUFACTURING PLANT
1987	62 BRINKERHOFF LLC 62 BRINKERHOFF STREET	CLASS A VARIANCE USE VARIANCE TO CREATE 5 APARTMENTS IN RH ZONING DISTRICT WHICH ALLOWS ONLY ONE UNIT
1988	SCHOPFER ARCHITECTS LLP 154 PROSPECT AVENUE	CLASS B VARIANCE AREA VARIANCE FOR LACK OF REQUIRED PARKING SPACES AND LACK OF OPEN SPACE
1989	SCHOPFER ARCHITECTS LLP 154 PROSPECT AVENUE	SPECIAL USE PERMIT TO EXPAND NURSING HOME FROM 200 BEDS TO 287 BEDS
1990	KATHRYN BESAW 45 COGAN AVENUE	CLASS B VARIANCE ROOF OVER FRONT STEPS/LANDING PROJECT INTO THE REQUIRED FRONT YARD
1991	TOM BROWN 6 VETERANS LANE (ALSO KNOWN AS 2 VETERANS LANE)	CLASS B VARIANCE TO ERECT/MAINTAIN FREE STANDING SIGN WHICH IS TOO HIGH AND TOO LARGE, DIRECTIONAL SIGNS LARGER THAN ALLOWED
1992	JOAN M. JANSON 29 COGAN AVENUE	CLASS B VARIANCE ADDITION TO STRUCTURE WHICH WOULD BE TOO CLOSE TO FRONT AND SIDE PROPERTY LINES

The **first** item heard was Appeal #1987, 62 Brinkerhoff LLC, 62 Brinkerhoff Street for a Class A Variance – Use Variance to create 5 apartments in RH Zoning District which allows only one unit.

[Meter 3:33]

Mr. Keith Bruno was present for this Appeal.

Mr. Nolland stated the last time 62 Brinkerhoff Street LLC was heard it was for a variance for 3 apartments for this property, which he didn't end up doing. Financial information was presented at that time. When Mr. Nolland reviewed packets for this meeting, they needed more financial information. One problem of a use variance is that the applicant is required to show financial hardship with hard data. There did not seem to be any data and this is a problem for the board.

Ms. Gilbert preferred the testimony not start tonight. She referenced the application from 5 years ago and asked the applicant to update this and show what has happened in the interim.

Mr. Nolland discussed the use variance criteria. [Meter 6:43] He stated the applicant has a right to postpone 1 month 1 time and suggested the board postpone this on their behalf.

MOTION APPEAL #1987:

By Ms. Gilbert, seconded by Mrs. LaBounty

**TO POSTPONE APPEAL #1987 62 BRINKERHOFF STREET ON THE BOARD'S
BEHALF UNTIL THE DECEMBER MEETING**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** and **third** items heard were Appeal #1987 Class B Variance (area variance for lack of required parking spaces and lack of open space) and Appeal #1989, Special Use Permit (to expand nursing home from 200 beds to 287 beds), for Schopfer Architects LLP, 154 Prospect Avenue.

[Meter 8:25]

For the purpose of the above appeals, the plans submitted are titled "City of Plattsburgh Submission for Special Use Permit and Area Variances, Relocation/Reconstruction, Meadowbrook Healthcare Proposed 87 Bed Addition," 154 Prospect Avenue, Plattsburgh, NY 12901, drawn by Schopfer Architects LLP, 1111 James Street, Syracuse, NY, Project 0426 dated 10-7-13, Sheet No. S5-3 - Proposed Site Plan, Sheet A-1, Existing and Proposed Floor Plans.

Another drawing was submitted titled "ALTA/ACSM Land Title Survey" prepared for Meadowbrook Realty Group, LLC, drawn by Robert M. Sutherland, PC, 11 MacDonough Street, Plattsburgh, NY 12901, Project #13047 dated 08/06/2013, Sheet 1 of 1.

Dave Schopfer, Schopfer Architects was present representing the owners for these appeals. Paul Richards, Administrator of Meadowbrook Nursing Home was also present for any questions pertaining to these appeals.

Mr. Schopfer explained Meadowbrook is a 200 bed skilled long term care facility licensed by NYS Department of Health. It sits on a 5.3 acre parcel. To the North is the First Assembly of God Church. CVPH parking lot is to the South. Prospect Avenue is to the West and residential properties to the East.

The facility has 2 curb cuts onto Prospect Avenue. The South is the entrance and the North end is the exit. The existing facilities were constructed as a 120 bed facility in 1974. The front half is 4 stories with a basement. The back half is a 2 story with a basement, or 3 stories.

The employee's basically enter from the East where the parking lot is, which has 110 parking spaces. The public entrance is on the West on the first floor level.

Meadowbrook has been working with the Dept. of Health in trying to resolve some long term needs. They are proposing to add, which the Dept. of Health has approved, is an additional 87 beds, expanding the facility from 200 to 287 beds.

The front portion of facility will remain unchanged. Existing curb cuts, drop offs and green buffer will all stay the same. The circulation pattern will remain similar. Meadowbrook controls a perpetual option on a 15' strip along the South property line. They will acquire that strip and increase the property from 5.09 acres to 5.32 acres. That will give them the ability to move the bulk of the parking from the East to the South and move the employee entrance from the East to the South as well.

The new expansion will be 2 stories. The ground floor is at the basement level, one story below the existing 1987 addition.

They will retain a minimum of 45' tree buffer along the East and 68' up at the northeast and 58' on the southeast. On modified drawings sent to the building department, they indicated what small areas would be modified, primarily for storm water controls.

[Meter 15:22] Mr. Schopfer spoke about the open space variance (Appeal #1988). The property currently has 47% open space. It obviously does not meet the 50% minimum open space requirement as is. This variance will be reducing open space to approximately 39%. The green space around the building will remain as would Prospect Avenue. Both of the reductions come off the South and North, with approximately 40' loss of green space on the East space, which is now a grassy storm water collection open storage area. All storm water will be placed underneath the parking lot. There will no longer be any open drainage as currently exists.

Mr. Schopfer continued stating another area variance will be for parking. Based on square footage of the facility, they will be adding approximately 48,000 square feet. Based upon the 1 per 500 sq. foot requirement, they will need close to 300 parking spaces. The actual need is far less. Traffic Counts were done at peak shift change, in which they basically are showing that they need 138 parking spaces. Currently the site has 204 parking spaces. He felt there was more parking than what they actually need.

There are 135 employees. 300 parking spaces far exceed the necessity for the facility. He pointed out in a long term care facility, none of the residents drive or own cars nor will they. Parking need is strictly visitor and employee. He spoke about gross square footage. [Meter 19:00]

Ms. Fisher asked with 87 more beds and 138 employees, didn't they need more parking? Mr. Schopfer gave employee counts and projections. He added the use will not change at all and will be for long term care.

Mrs. LaBounty asked about the rehab portion of the facility. Mr. Schopfer explained this is still considered long term care by Department of Health and Skilled Nursing Facility.

Mrs. LaBounty asked why only 2 stories vs. the 3 and 4 stories already there. Mr. Schopfer explained from the standpoint of need - they've set it up as 4 neighborhoods of approximately 20 beds each. He referenced the floor plan drawings. The core area will be a living room and casual dining area. The center will be a nurse's station, which controls both facilities. From an efficiency standpoint they've provided the neighborhood/resident with efficiency for operations so from a staffing standing, you end up with 1 nurse's station to operate 2 neighborhoods.

Mr. Schopfer added they had proposals on this and basically construction of this is approximately 20-25% less than approved by DOH. Rock is down about 5' which indicates no soil problems. Going up was an alternate that was investigated and review by their construction managers.

Mr. Schopfer stated because they are providing their own activities, therapy is actually coming to the neighborhood, as opposed to the resident going to therapy. There is a large therapy facility on the ground floor and residents will move to that. Currently residents move to central dining so you have 200 residents stacked up at elevators. Now the food will move to them. Families will be able to come in and be able to utilize the new satellite and country kitchens for special events and things of that nature.

Mrs. LaBounty asked about an outside picnic area. Mr. Schopfer explained the activity and therapy court yard area. [Meter 23:08]

Ms. Gilbert asked about the unpaved parking. Mr. Schopfer stated it's all been paved.

There is 155' from the rear yard setback to the building. The existing asphalt is approximately 140'. They are basically putting the new building on the parking lot. To maintain emergency vehicles, they need to have the loop around. The four rows of parking will be reduced to 2 rows of parking.

Mr. Nolland questioned the square footage of the new addition. [Meter 26:40] Mr. Schopfer explained the existing basement (housekeeping, maintenance, kitchens, and dietary) all remains the same. Ninety-five percent (95%) of this new addition will be dedicated to the resident. The new one story addition will be for staff locker rooms, beauty parlor and few other facilities. Staff dining is undersized so this addition will give back staff resources.

Ms. Gilbert asked if the applicant had been in front of the Planning Board for a subdivision regarding the rear property line. Mr. Schopfer said no. He came to the zoning board first due to the variances. Meadowbrook holds the perpetual option on that parcel and has full rights to basically purchase the parcel. Ms. Gilbert wondered if this would create a variance need for CVPH regarding this parcel. Mr. Schopfer advised the property right now is a grassy area that's maintained by Meadowbrook, which has a shed on it. It's actually a one-story garage. Mr. Schopfer advised it has no effect on CVPH parking area or any of their properties.

Mr. Weiss advised it's a parcel itself. It's not a part of CVPH's parcel. It's its own individual 18' long parcel.

PUBLIC COMMENT: [Meter 30:40]

Ms. Wolkowicz stated she is a resident who lives directly East of Meadowbrook property. There are 3 private residents that will be compromised potentially by this plan - her home, the home to the North and the one to the South. She came before the Zoning Board before because of an issue with respect to green space that was compromised and it compromised their property. At that time, they had a lot of conversation with Mr. Paul Richards and the Zoning Board and tried to deal with compromises because at that time - it was believed that was happening based on the variance that had been granted to CVPH. They ended up with the concept that

none of this green space would be compromised and retained. She has a letter issued by Mr. Richards stating that they couldn't see in the foreseeable future any need to cut the trees down and they would communicate with her should there be consideration for that being taken place. So far the Wolkowicz's have had no conversation up until getting a post card from the City.

Ms. Wolkowicz had a lot of questions and none of the things that are compromising the residents in the area have been discussed in the plan, other than the 45' buffer trees. She then gave photographs of the site to address this. One thing that arose from the last situation was they lost privacy. One decision was to put plantings in to regain privacy. Those plantings didn't work out. It took about 6 years for a privacy fence to be built.

Ms. Wolkowicz explained the pictures and spoke more about the privacy fence. [Meter 33:23] Currently she is about 103' from the property line to privacy fence. The reason it's there is the elevation from Meadowbrook to their property is quite high. If the privacy fence is placed on the property line, they clearly would not have privacy because the elevation looks straight through. With this new proposal, the line to the tarmac will actually be pushed forward and put that fence at the edge of the tarmac. The fence will then be forced forward and there has been no discussion about what they are doing about that, how they are dealing with it, how are they going to provide that privacy fence that they were granted previously.

Mr. Nolland said the above issues are part of the site plan review done by the Planning Board. Mr. McMahon added screening is a zoning requirement but a buffer zone issue is a site plan approval process. Ms. Wolkowicz reiterated there has been no discussion about screening.

Mr. Schopfer explained the majority of the tree line, which is shown on the supplemental drawing given to the Building Inspector, will remain untouched with one exception. It's dotted on the new drawing. One area protrudes west slightly. For the record, this is something they may have to take that down. They are trying to get grading plans to the Planning Board. As soon as we get the grading plans and if they don't have to touch that – they won't take it down or may take about 10'. Ms. Wolkowicz responded in reality the denser section of trees kind of bump into that whole space they are delineating. She feels there will be more open space created. The head lights will be directed toward the residents that about this business. Since they are already short on green space to begin with, why can't the green space be stipulated to stop at the parking space.

Mr. Nolland explained the section of the code that deals with 6' fences and the Special Use Permit rights. [Meter 39:52] The only issue here is the Class B Variance. But the Board could recommend that they do extra screening in the back with a taller fence.

Mr. Schopfer added the area was created because that is a municipal easement for the sewer line. It's been maintained by Meadowbrook because there is no brush there any longer. The easement goes right through there for storm and sewer. The fence – about 95' will end up to be about 70' off. They've done a survey to establish where the height of that fence is and they will maintain the height of that fence –

whether it's a 10' or berm everything up to maintain the height of the fence. If additional foliage wants to be put back between the property line and it – they have no objection to that. Mr. Nolland said that will be a Planning Board issue.

Mr. Schopfer stated they had initial concepts that pushed the building and parking back further, basically recognizing the issues of the neighbors so they redesigned this and went to the DOH and asked them to accept a new plan which actually pushed the building and parking West approximately 60'. By doing this you will end up with less parking in the back and half the number of parking spaces. If there is something they can do, they will do it.

Ms. Wolkowicz then questioned the tree line beyond the space of the parking lot and why it's imperative to cut the tree line. Mr. Schopfer said it may not be. She asked them to retain the trees. Mr. Schopfer stated they are having issues with storm water and how this plan will benefit everybody in the neighborhood because the water will now be controlled much better coming off the hills and from Prospect Avenue. Stormwater collection will be underneath the parking lot so it will retain water before it moves down to the municipal system. It's basically a system that migrates back and forth underneath the parking lot. They need to raise the elevation of the parking lot. If they raise the elevation, he needs to have a little bit of land in order to take property and he may end up losing some of those trees because of the slope of earth coming off the parking lot into it. Being up front – he reiterated - they may come down in that one dotted area on the map. If ultimately they don't need to do it because of grading, he won't touch them.

CLOSED PUBLIC HEARING [Meter 45:40]

Ms. Gilbert asked about the storage building.

Mr. Nolland asked if they were changing the sign in the front. Mr. Schopfer said they were not planning on it. Mr. Nolland reminded the applicant a portion of the sign is located on City property.

The Class B variance is both for number of parking spaces and the open space requirement. They are required to have 295. They've proposed 204 with a demonstrated need of 185. There is also the change in open space from 50% and is down to 39.6%.

MOTION APPEAL #1988A (parking):

By Ms. Gilbert, seconded by Mrs. LaBounty

**FOR 154 PROSPECT AVENUE, MEADOWBROOK TO ALLOW THEM TO HAVE
204 PARKING SPACES INSTEAD OF THE CALCULATED 295, BASED UPON
THEIR PARKING ANALYSIS JUSTIFICATION AND STUDY SHOWING THE
LESSER NEED FOR PARKING SPACES**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The board explained their votes.

Mr. Nolland added they use parking to control density. He would much rather see them stay closer to what they really need to pave. The less paving the better.

MOTION APPEAL #1988B (open space):

By Ms. Gilbert, seconded by Ms. Latinville

FOR 154 PROSPECT AVENUE, MEADOWBROOK, ALLOWING THEM TO REDUCE THE OPEN SPACE REQUIREMENT FOR THIS PARTICULAR PROJECT AS PRESENTED, FROM 50% DOWN TO 39.6% BUT ALSO DEPENDENT UPON THE PLANNING BOARD APPROVING THE PLAN, APPROVING A SCREENING SYSTEM FOR THE RESIDENTIAL AREAS TO THE EAST AND THE PLANNING BOARD APPROVING THE SUBDIVISION FROM CVPH AND RE-ATTACHMENT AS ONE DEED OVER TO THE MEADOWBROOK PROPERTY, REQUIRING THAT THIS 15' PIECE BE INCORPORATED INTO THE TOTAL DEED

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

Ms. Gilbert advised that when you look at the on line City records it comes up as 2 separate parcels. They are on 1 deed even though 2 separate parcels. Mr. Schopfer said they are now. They were filed with the County.

Mr. Nolland spoke briefly about this SUP. He questioned if there was natural gas and appropriated water and sewer.

There were no changes to the Long Form SEQR.

There were no comments from the audience regarding the Special Use Permit.

MOTION APPEAL 1989 LONG FORM SEQR:

By Mrs. LaBounty, seconded by Ms. Fisher

THAT THERE WILL BE NO ADVERSE ENVIRONMENTAL IMPACTS AND A NEGATIVE DECLARATION BE PREPARED

UNANIMOUSLY APPROVED

MOTION APPEAL 1989 SPECIAL USE PERMIT:

By Ms. Gilbert, seconded by Mrs. LaBounty

**FOR 154 PROSPECT AVENUE TO GRANT A SPECIAL USE PERMIT FOR AN
EXPANSION OF A NURSING HOME, FROM 200 TO 287 BEDS UNDER THE NYS
DEPARTMENT OF HEALTH GUIDELINES AND AS PRESENTED IN FRONT OF
THE BOARD**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard was Appeal #1991 for a Class B Variance, Tom Brown, 6 Veterans Lane, to erect/maintain freestanding sign which is too high and too large, directional signs larger than allowed.

[Meter 1:03:28]

The directional sign issue regarding this appeal had been resolved.

Mr. Nolland explained there was some mis-communication but basically a sign got installed without a sign permit.

Rusty Simpson, Manager of New Store Development, Kinney Drugs was in attendance for this appeal, along with Tom Brown and Karl Weiss, Robert Sutherland, PC.

Mr. Nolland continued saying the sign exceeds the allowed height and area. The biggest problem to start with is they have a sign put up already. If they are not careful, then everyone will put up signs and then come to board after for approval. This is a problem.

There is a confusing problem about the digital sign. There is a digital sign on Cornelia St. Kinney Drugs. Originally the board was not allowing them at all. Then a moratorium was put on digital signs. A new ordinance was then wrote and passed. Unfortunately the way it's written in the books is wrong. Mr. Nolland explained the original intent of the ordinance with digital signs was that digital signs would count double their size and only be allowed a maximum of 50 sq. foot digital sign, with one digital sign on the property. But the intent at the time of the ordinance was if you were allowed 100 square feet (allowed for free standing sign), and wanted it to be digital it would be allowed for a 50 square foot sign (25 sf per side) and that would be the whole free standing sign. It didn't get written that way and we are well past what was intended.

Mr. Nolland said a digital sign can be no more than 50 sq. feet. That's an absolute. Kinney Drugs is under 50 square feet. But it counts toward the 100 sq. feet and can be allowed. This will be changed at some point but does not affect Kinney Drugs. So the intent of the ordinance really was you would have 50 sq. feet total of free standing sign that was all digital. The board cannot ask that now because the ordinance does not state that. The way the ordinance is written now is the applicant is allowed 100 sq. feet. If 50 square feet is digital, they are allowed 50 square feet of fixed opposed to changing sign. There is a Kinney Drug sign that is fixed and there is also a digital sign (changing sign). The understanding for this appeal is that Kinney Drugs has a total of 142 altogether. That is taking into account the size of the gable shape of this.

Mr. Nolland continued saying the applicant will have to come into compliance for height, being the sign has to be chopped down. He explained how that can be done. [Meter 1:09:56] They could come into compliance now by turning off the digital sign, which would bring them down to 91 sq. feet of signage.

The "triangle" at the top of the sign is what puts this request over. The board spoke about the "gable end" portion. [Further discussion about height, width of sign, gable, calculations for current sign, done w/o a permit, problem for board, height, how to get under 41 sq. feet.]

Ms. LaBounty added the 3 other Kinney Drug locations are not this big.

Mr. Simpson explained every one of their signs are made to order. This particular sign on the set of plans is their typical standard sign they go into every community with. He asked and received approval for these building plans. The sign on Cornelia Street complies with the zoning ordinance. He explained further. The LED portion of this sign cost about \$18,000. The total cost is about \$33,000 to do this sign. They would have to do some other structural work at the bottom to accommodate a narrower footprint. He's looked into different things but this is not a cheap thing for Kinney's.

Mr. Nolland added there is no problem with the digital sign. The issue is it exceeds the height and the total. Further discussion about reducing the height, which Mr. Simpson said he could have done in 2 weeks. Mr. Nolland said the real issue is how to conform to 100 sq. feet of digital sign. They applicant needs to get to a 53 sq. foot sign. [Meter 1:20 - Further discussion about posts, center, changing the top staying with the 10'.]

Mr. Simpson said corporately, the biggest and foremost thing is the logo and thought it would be very difficult for them to use the existing structure to make something fair to both the company and the code to use without narrowing the footprint.

Mr. Simpson spoke about putting a smaller electronic sign and making up the difference somewhere else. Ms. Gilbert acknowledged the key is the electronic can't get bigger than 50 sf. If it went smaller, he could have more space with to the logo. Mr. Nolland reiterated the total is 100 sf.

[Meter 1:25:51 - 1:37 Further discussion on square footage, removing wood board on triangle, signage being a sensitive issue, being in compliance, given the applicant reasonable time to figure this out, maintaining the use of the existing poles and structure, downsizing the digital sign portion, stay of proceedings, current digital portion is conforming, smaller free standing signs not being allowed (flu shot signs)].

MOTION APPEAL:

By Ms. Gilbert, seconded by Mrs. LaBounty

**TO POSTPONE APPEAL #1991 FOR 6 VETERANS LANE REGARDING THE
KINNEY DRUGS SIGN FOR ADDITIONAL 2 MEETINGS UNTIL THEIR JANUARY
2014 ON THE BOARDS BEHALF**

UNANIMOUSLY APPROVED

Ms. Gilbert added Clinton County Planning Board has disapproved this application. He now needs 4 positive votes.

If the applicant submits a new plan, it must go back to the Clinton County Planning Board.

The **fifth** item heard was Appeal #1986, Special Use Permit to operate light manufacturing plant.

Ms. Latinville left the meeting with Mr. Weiss stepping in to replace her.

[Meter 1:37:41]

Phil Titherington was present for this appeal. Mr. Nolland reiterated a SUP is a matter of right. He reviewed the documents submitted.

Mr. Titherington thought this would not impact the neighborhood. Seven employees will be added. He explained he would like to move his machine shop to this location, also add some RV work for injection molding.

There were no comments from the audience regarding this appeal.

Mr. Titherington he will install new machinery. The building was formerly used for that same purpose.

The Long Form SEQR was reviewed. [Meter 1:41] Page 10 g. should be check no.

The current electrical system, along with the water and sewer is sufficient for this use. All machines are FDA compliant. He does manufacture some medical components for x-ray tubes. This business will be east-coast coverage. Mrs. LaBounty and Mr. Titherington spoke about the 24 hour shifts, production, no warm up period, not going to 24 hours shifts, parking, operations inside the building,

MOTION LONG FORM SEQR:

By Ms. Gilbert, seconded by Mr. Weiss.

**THE BOARD FINDS NO ADVERSE ENVIRONMENTAL IMPACT WITH THIS APPLICATION
FOR TITHERINGTON DESIGN AT 102 SHARRON AVENUE, AS THE SEQR FORM IS
FILLED OUT**

UNANIMOUSLY APPROVED

MOTION APPEAL #1986:

By Mrs. LaBounty, seconded by Ms. Fisher

**IN REGARDS TO APPEAL #1986, TITHERINGTON DESIGN AND MANUFACTURING INC.
AT 102 SHARRON AVENUE TO APPROVED A SPECIAL USE PERMIT TO OPERATE
LIGHT MANUFACTURING PLANT**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard was Appeal #1990, Katheryn Besaw, 45 Cogan Avenue, for a Class B Variance for a roof over front steps/landing, projects into the required front yard.

[Meter 1:50]

Mr. McMahon stated the manner of deviation for this appeal is the entire roof projecting into the front yard, proposing a 7 x 7 roof over the steps. The doorway is actually recessed 1 foot. Mr. McMahon added he believes the 7' projects into the required front yard.

Ms. Besaw explained the actual landing is 4'. The proposed roof would cover the whole steps.

Pictures of surrounding properties were presented, showing homes with roofs over the steps.

Mr. Dessureault added the 7' will cover all the steps, due to the recessed door in 1'. Mr. Nolland wasn't sure the 7' would cover the landing.

[Meter 1:58 - Further discussion about size of steps, depth of steps, requested a bigger step in the building permit, 8' out from the face of the house and not from the recessed, 40' from the property line to the curb, no sidewalks on Cogan].

Maximum riser height is 8 ¼ and the treat depth is 9".

There were no comments from the audience regarding this appeal.

MOTION:

By Ms. Gilbert, seconded by Mr. Weiss

TO GRANT APPEAL #1990 FOR KATHRYN BESAW AT 45 COGAN AVENUE, AS AMENDED BY THE BOARD, GRANTING HER A VARIANCE TO HAVE A ROOF OVER A PORCH THAT EXTENDS OUT INTO THE FRONT YARD SETBACK, THAT ROOF AREA BEING 7' WIDE X 8' DEEP TOWARD THE STREET, NOT EVER TO BE CLOSED

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **final** item heard was Appeal #1992, Joan M. Janson, 29 Cogan Avenue, for a Class B Variance to erect/maintain freestanding sign which is too high and too large, directional signs larger than allowed.

[Meter 2:05]

Ms. Janson explained her rationale for this request is her mother moving in with her and there is a bathroom that needs widening in order to get a walker/wheel chair into it. She has requested and been granted a permit to build a handicap ramp.

Mr. McMahon said the manner of deviation is the addition proposed, front and back, front portion projects into the required front yard by 6 feet x 17, and the back is coming within 25' of the rear property line, which needs to be 30. She is entitled to a deed deficiency being 8' from the property line; due to her lot is only 60' wide so the 8' is the 10' that's required. No side yard variance.

Ms. Janson added many homes on the street project out with porches or with something on the front part of the homes.

Mr. McMahon clarified if her lot was vacant right now, because the houses on either side are actually closer than what's allowed she could build her house in proportion to theirs.

Ms. Gilbert asked what the room would be called that connects the house and the garage. Ms. Janson said she would like it to be a library. She explained further. [Meter 2:10:36] Ms. Gilbert explained she is asking for a lot of variances here. She prefers variances in the rear vs. the front yard. She suggested the 16 x 28' library be a 16 x 23' library so that the whole project would be shorter by 5', negating the need for the 5' variance in the rear. Ms. Janson advised that room would function as a living room and she needs to room with her mother's things coming with her.

Mr. McMahon said there is no coverage issue and he doesn't believe there is an open space issue. The applicant is also proposing pavers.

Ms. Gilbert said the problem about the idea of proposing pavers is the board has recognized that they can use those kinds of pavers that let water drain through in place of impervious material. Mr. McMahon said even so taking in as much driveway as he perceives as needed, she's well under the open space. Even if she uses those and he counts those as 100% as against open space, she still does not need an open space variance. Ms. Gilbert added the board has not accepted those as being acceptable driveway and parking area. Mr. McMahon said as long as they are interlocking and used as a system they would probably be. Mr. Nolland said they are a type of paver. It's a different type of paver. It's under the same construction division. Ms. Gilbert reiterated saying someone came to the Board and the board made a determination – administrative review on whether a certain kind of interlocking paver could be used and the board decided that those could be used

for parking and for driveways. Even though the code says that parking in paving areas must be impervious the board in a sense over-ruled that by saying yes but we find it acceptable to use interlocking pavers as an impervious material, even though they recognize there is some water leaking down between pavers.

Ms. Janson suggested the City think about the environment in the fact that permeable pavers are much better for the environment than an impervious surface. Going to this is probably a benefit to the land as opposed to something. She will pave over it if she has to but does not want to do that. [Further explanation by Ms. Janson, Meter 2:15 – 2:18]

Mr. Weiss asked her to balance out the expansion of the bathroom so she is pushing as far into the master bedroom and maybe utilizing a portion of the guest bedroom.

Further discussion about shifting everything (bathroom, guestroom) 2' or so back into this 28' 16 x 28 area, concern about the front yard variance, precedents, reducing it to 16 x 24. [Meter 2:19:50 – 2:25]

Naomi Bradshaw commented from the audience.

Ms. Gilbert questioned the garage, fumes and open stairway that leads to the upstairs. Mrs. LaBounty questioned the living space over the garage. Mr. McMahon explained because it's attached it's allowed to be 2.5 stories high.

MOTION APPEAL #1992:

By Mr. Weiss, seconded by Mrs. LaBounty

FOR JOAN M. JANSON AT 29 COGAN AVENUE TO GRANT HER A FRONT YARD VARIANCE OF 4' FOR AN ADDITION AS WELL AS A 5' VARIANCE IN THE REAR YARD FOR AN ADDITION, BY THE WIDTH SHOWN ON HER SKETCHES

Ms. Janson interrupted asking if she could be granted for 1 year instead of 6 months, incase her father dies.

ALL IN FAVOR: 4

(Mr. Nolland, Mrs. LaBounty, Ms. Fisher, Mr. Weiss)

OPPOSED: 1

(Ms. Gilbert)

Mrs. Gilbert believed it too extreme – too much of a variance, even with the neighbors.

Mr. Weiss said he thought it's ok to bring the front out as far as the neighbors and does not see an issue with the rear yard.

Mrs. LaBounty said because she had a neighbor that was already protruding out the additional 4' she felt comfortable with 4' and that fact she wasn't over in terms of coverage.

Ms. Fisher said for the same reasons plus the lifestyles are changing and people are having to adopt their homes to accommodate different living styles.

Mr. Nolland said yes because they were not setting a precedent and this is a nice plan.

MOTION:

By Ms. Fisher, seconded by Mr. Weiss

TO GRANT MS. JANSON A YEAR STAY FOR HER PLAN AS GIVEN TO THE ZONING BOARD,

TO APPROVE: 4

OPPOSED: 0

**ABSTENTION: 1
(Ms. Gilbert)**

The October minutes were postponed for approval.

There will be training at the Clinton County Government Center, 1st floor Government Center, Wednesday, December 11, 2013, 5:30 – 8:30 PM, for SEQR Basics with Highlights of the new EAF.

MOTION TO ADJOURN:

By Ms. Gilbert, seconded by Mr. Weiss

ALL IN FAVOR

MOTION PASSED

Meeting adjourned at 9:40 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System. This is a true and accurate copy and transcription of the discussion.

Denise Nephew
Secretary
Zoning Board of Appeals